

REMARKS

This is a full and timely response to the non-final Official Action mailed **March 10, 2005**. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

By the forgoing amendment, various claims have been amended. No claims are added or cancelled. Thus, claims 1-27 remain pending for further action.

Claim Objections:

The outstanding Office Action first objects to minor informalities in claims 1, 9, 11 and 22. Accordingly, Applicant has amended these claims to correct the noted informalities. These amendments do not, and are not intended to, alter the scope or narrow any of the amended claims in any way. Following entry of this amendment, the noted claims should no longer be subject to objection, and notice to that effect is respectfully requested.

Prior Art Issues:

With regard to the prior art, the recent Office Action rejects claims 1, 5-8, 10, 12, 13, 15, 16, 18-20, 22-27 as anticipated under 35 U.S.C. § 102(e) by U.S. Patent Application Publication 20040261112 to Hicks et al. ("Hicks"). Claims 2-4 and 14 were rejected under 35 U.S.C. § 103(a) in view of Hicks taken alone. Claims 9 and 11 were rejected under 35 U.S.C. § 103(a) in view of the combined teachings of Hicks and U.S. Patent No. 6,483,986 to Krapf. Claims 17 and 21 were rejected under 35 U.S.C. § 103(a) in view of the combined teachings of Hicks and U.S. Patent No. 6,788,882 to Greer et al. For at least the following reasons, Applicant respectfully traverses these rejections.

The present application was filed April 4, 2001. The Hicks reference was filed about four months earlier on December 28, 2000. However, the Applicant of the present application conceived and fully described the claimed invention in detail sufficient to comply with 35 U.S.C. §§ 101 and 112 prior to the December 28, 2000, the filing date of the Hicks reference.

The undersigned has filed a Declaration under 37 C.F.R. § 1.132 herewith to make of record those facts of which the undersigned is aware on information or belief that demonstrate Applicant's invention of the claimed subject matter prior to the effective date of the Hicks reference. Additionally, the undersigned is in the process of obtaining a Declaration under 37 C.F.R. § 1.131 from the inventor of the present application which will corroborate the statements in the declaration of the undersigned filed herewith. An unsigned copy of the Declaration under 37 C.F.R. § 1.131 is filed herewith, and a signed copy will be filed as soon as available.

Either declaration is sufficient to show invention by the Applicant prior to the effective date of the Hick's reference. Therefore, following entry of this paper onto the record, the Hicks reference can no longer be cited as prior art against the present application. Therefore, the various rejections made which area all based on Hicks should be reconsidered and withdrawn.

Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper which have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



Steven L. Nichols  
Registration No. 40,326

DATE: 10 June 2005

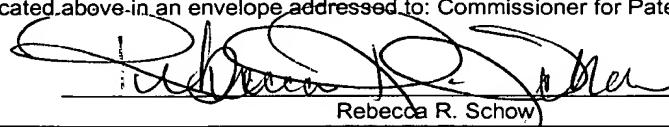
Steven L. Nichols, Esq.  
Managing Partner, Utah Office  
**Rader Fishman & Grauer PLLC**  
River Park Corporate Center One  
10653 S. River Front Parkway, Suite 150  
South Jordan, Utah 84095

(801) 572-8066  
(801) 572-7666 (fax)

**CERTIFICATE OF MAILING**

DATE OF DEPOSIT: June 10, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated above in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.



Rebecca R. Schow